7	IN THE UNITED STATES DISTRICT COURT
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0	FOR THE DISTRICT NEW MEXICO
2 .	Giril Artice M. 11 Off CCC DD (CDM)
•	Civil Action No. 11-CV-676 RB/GBW
4	VIDEOTAPED DEPOSITION OF JOHN ROBERT MCGRAEL
_	September 18, 2012
6	CHARLES KRETEK, as personal representative of CHRISTOPHER
	APARICIO, deceased,
7	
	Plaintiff,
8	
	v.
9.	
	BOARD OF LUNA COUNTY COMMISSIONERS, JOHN R. SUTHERLAND, in
10	his individual and official capacity, JANE DOE(S) AND JOHN
	DOE(S),
11	
	Defendants.
12	
13	APPEARANCES
14	For the Plaintiff: DUFF WESTBROOK, ESQ.
	Sanders & Westbrook, PC
15	102 Granite Avenue, Northwest
•	Albuquerque, New Mexico 87102
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17	
	For the Defendants: JONLYN M. MARTINEZ, ESQ.
18	Law Office of Jonlyn M. Martinez, LLC
	105 14th Street, Southwest
19	Albuquerque, New Mexico 87102
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1 landouffed, correct? 2 A Yea, sir. I think it was during the 3 interim while I was still trying to collect myself. 4 They were securing him. 5 Q Okay. And then be quit struggling at 6 sow point, correct? 7 A At 8 come point - at a point, yea, he did. 8 Q Okay. What did you do when he stopped 9 struggling, if anything? 10 A My next clear recollection was that I 11 west back to check on Mr. Aparicio is more by a struggling, if anything? 10 A My next clear recollection was that I 11 west back to check on Mr. Aparicio is more was 12 bereathing. He had a good pulse. It was easy to find, and I 13 term than a structure of the man of th	JOHN ROBERT MCGRAEL	CondenseIt! TM	September 18, 2012
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	OHN ROBERT MCGRAEL Con	nd	enseIt!	September 18, 20
	Page	73	}	Page
	1 A Yes, sir.		1 unc	lerstanding?
	2 Q And your testimony is he verbally		2	A tweaker, according to my understanding,
	answered you?		3 is s	omeone that uses methamphetamine.
	4 A Yes, sir.		4	Q Did you ever give any instructions to any
	Q And he answered you "no" to all of the			ne detention officers who were around Mr. Aparicio's
	6 questions?		6 bod	<mark>y?</mark>
	7 A Yes, sir.		7	A Once again, the only clear instruction I
	What was the tone of his voice at the			ember giving was as they were preparing for transport
!	time he allegedly talked to you?		9 <mark>to e</mark> i	sure that they took a pair of shackles with them.
(Clear and monotomatic (sic).	- 1	10	Q Did you ever tell anybody to get him up
[]			11 <mark>off l</mark>	is stomach?
1	allegedly made these responses to you?		12	A No, sir.
3		-	13	Q Did you ever tell anybody to turn him
۵	being close by would have been Officer Renteria.		l4 <mark>onto</mark>	his side?
5	Q Had Mr. Elford gotten up and left?		15	A No, sir.
6	A I do not recall.		6	Why not?
7	Q Did you give any did you make any	ļ	.7	A He alread he had a patent airway. He
3	statements to Sergeant Edwards when she came into the) 1	.8 <mark>was 1</mark>	preathing. He had good color, and he communicated
)	room?	1	9 with	me. He was obviously respirating. He's fine where
)	A I remember making a statement to Sergeant	2	0 <mark>he is,</mark>	and he's under control.
	Edwards after witnessing all of this that the called	- 2	1	Q What do you mean by "under control"?
)	Central Dispatch, we're sending we're sending him to	2	2 Not -	
	the hospital.	2	3	A He's not
ļ	Q Was that after Mr. Aparicio had become	2	4	Q He's not posing a threat to anyone?
i	unresponsive?	2	5	A He's not posing a threat to himself, the
	Page 74	-		Page 76
	A In terms of fighting the other officers,		staff,	or the rest of the inmate population.
	or	:	2	Q Now, correct me if I'm wrong, but you've
	Q Well, unresponsive, meaning he's not	1:	never	seen anybody with what some people call excited
	responding to what's around him.	4	deliri'	um?
	A I'm just trying to place it in my head.	1 :	5	A That's correct, sir.
	Mr. Aparicio was prone on the ground with the officers	1	i	Q Okay. And you did you know at that
	around him, and I was in a standing position. I want to	17	time t	hat there's a dispute in the medical community
	say Mr. Aparicio was to my right, and I informed			espect to whether there really is such a thing as
	Sergeant Edwards to call Central Dispatch to request an			d delirium?
	EMS transport to Mimbres Memorial Hospital.	10		A No, sir.
	Q Did you give that did you make that	11		Q What were you trained to do in situations
	statement to Sergeant Edwards before or after	١. ـ		
		112		<u> </u>
(12	where	a person is showing signs of having breathing
	Mr. Aparicio became unresponsive?	13	where difficu	a person is showing signs of having breathing lities?
	Mr. Aparicio became unresponsive? A I can't clearly recall what	13 14	where difficu	a person is showing signs of having breathing alties? A From an EMS point of view, you are going
	Mr. Aparicio became unresponsive? A I can't clearly recall what Mr. Aparicio's status was at that time.	13 14 15	where difficulties to assist	a person is showing signs of having breathing alties? A From an EMS point of view, you are going st respiration as needed.
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